

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 97-3654-CIV-JORDAN  
MAGISTRATE JUDGE BANDSTRA

AMERICARE DIAGNOSTICS, INC.,  
a subsidiary of AMERICARE  
HEALTH SCAN, INC., AMERICARE  
TRANSTECH, INC., INTERNATIONAL  
MEDICAL ASSOCIATES, INC., and  
JOSEPH P. D'ANGELO,

Plaintiffs,

vs.

TECHNICAL CHEMICALS AND  
PRODUCTS, INC., JACK L.  
ARONOWITZ, SIMPLEX MEDICAL  
SYSTEMS, INC., ANALYTE  
DIAGNOSTICS, INC., HENRY B.  
SCHUR, and SMLX TECHNOLOGIES, INC.

Defendants. \_\_\_\_\_/

**NOTICE OF TAKING DEPOSITION DUCES TECUM**

TO:

Dennis A. Nowak, Esq.  
Tew & Nowak  
201 S. Biscayne Blvd.  
304 Miami Centre  
Miami, FL 33131  
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James P. E. Roen, Esq.  
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Bernardo Burstein, Esq.  
Sun Trust Int'l Ctr.,  
28<sup>th</sup> Floor  
One Southeast 3<sup>rd</sup> Av.  
Miami, FL 33131-1704  
Phone (305) 374-5600  
Fax (305) 374-5095

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, the Plaintiffs will take the deposition on oral examination of the following individual, or entity by videotape means, from day to day until completed as follows:

EXHIBIT

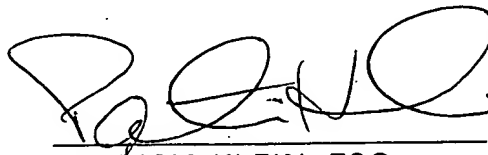
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DEPONENT: JOEL MITCHEN  
DATE: December 13, 1999 TIME: 10:00 a.m.  
PLACE: Conference Room at Hollyday Inn  
6161 Grand Avenue, Gurnee, IL 60031

Said deposition will be taken upon oral examination, before a Court Reporter, from Fisher Court Reporting, Notaries Public, in and for the State of Illinois at Large, or some other officer duly authorized by law to take depositions in the State of Illinois. This deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules of the Court.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished on November 22, 1999, by facsimile and mail to: Dennis A. Nowak, Esq., Tew & Nowak, 201 South Biscayne Boulevard, 304 Miami Centre, Miami, Florida 33131, James P.E. Roen, Esq., Levey & Associates, P.A., Gables International Plaza, Suite 1108, Coral Gables, Florida 33134, Bernardo Burstein, Esq., Akerman, Senterfitt & Eddison, P.A., Sun Trust International Center, 28<sup>th</sup> Floor, One Southeast Third Avenue, Miami, FL 33131-1704 and Louis Gigliotti, Esq., Malloy & Malloy, P.A., 2800 SW 3<sup>rd</sup> Avenue, Miami, FL 33129.



PATRICIA KLEIN, ESQ.  
Florida Bar No. 975516  
MIYOSHI D. SMITH, ESQ.  
Florida Bar No. 398543  
Attorneys for Plaintiffs  
20 NW 181<sup>st</sup> Street  
Miami, Florida 33169  
Telephone: (305) 770-1141  
Facsimile: (305) 770-1252  
E-mail: [amerlaw12@aol.com](mailto:amerlaw12@aol.com)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 97-3654-CIV-JORDAN/BANDSTRA

AMERICARE DIAGNOSTICS, INC.,  
a subsidiary of AMERICARE  
HEALTH SCAN, INC., AMERICARE  
TRANSTECH, INC., INTERNATIONAL  
MEDICAL ASSOCIATES, INC., and  
JOSEPH P. D'ANGELO,

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TECHNICAL CHEMICALS AND  
PRODUCTS, INC., JACK L.  
ARONOWITZ, SIMPLEX MEDICAL  
SYSTEMS, INC., ANALYTE  
DIAGNOSTICS, INC., HENRY B.  
SCHUR, and SMLX TECHNOLOGIES, INC.

Defendants. \_\_\_\_\_/

**SUBPOENA FOR DEPOSITION DUCES TECUM**

THE STATE OF ILLINOIS:

TO: JOEL MITCHEN  
1813 E. Grand Avenue  
Lindenhurst, IL 60046

YOU ARE COMMANDED to appear for deposition, before a person authorized to take depositions, at: **Conference Room at Hollyday Inn, 6161 Grand Avenue, Gurnee, IL 60031** on **December 13, 1999 at 10:00 a.m.** You are to bring with you at the time and place of the deposition the following:

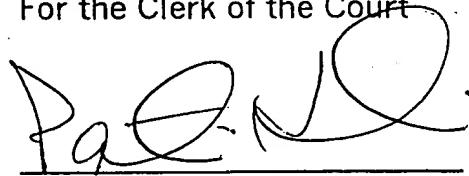
**SEE ATTACHED SCHEDULE "A".**

Your formal deposition will be taken as it relates to this case pursuant to Fed. R. Civ. P. 30. You have the right to object to the deposition pursuant to this subpoena within (14) days by giving written notice to the attorney whose name appears on this subpoena. If you fail to:

1. appear for your deposition; or
2. object to this subpoena;

you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

PATRICIA KLEIN, ESQ.  
Florida Bar No. 975516  
For the Clerk of the Court

A handwritten signature in dark ink, appearing to read 'Patricia Klein', is written over a horizontal line.

Attorney for Plaintiffs  
PATRICIA KLEIN, ESQ.  
Florida Bar No. 975516  
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E-mail: [amerlaw12@aol.com](mailto:amerlaw12@aol.com)

SCHEDULE "A"

1. All documents<sup>1</sup> pertaining to<sup>2</sup> your employment with Technical Chemicals & Products, Inc. (TCPI) including any subsidiary or division, officer, director, employee, attorney or agent of said Corporation.
2. All documents pertaining to Technical Chemicals & Products, Inc.'s T.D. Glucose Technology.
3. All documents pertaining to Henry B. Schur.
4. All documents pertaining to Technical Chemicals & Products, Inc.'s transdermal technology for the collection of glucose.
5. All documents pertaining to Technical Chemicals & Products, Inc.'s Pharmetrix Division.
6. All documents pertaining to Patent No. 5,462,064.
7. All documents pertaining to any confidentiality agreement that you have or had with Technical Chemicals & Products, Inc. or any company acquired by Technical Chemicals & Products, Inc.
8. All documents pertaining to the noninvasive collection of body fluid(s), including the noninvasive transdermal collection of body fluid analytes, pursuant to any invention, device or method developed or invented by Technical Chemicals & Products, Inc. and/or its Pharmetrix Division.
9. All documents pertaining to Americare Health Scan, Inc., Americare Diagnostics, Inc., Americare Transtech, Inc. and Dr. Joseph D'Angelo.

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<sup>1</sup>The word "document" shall mean any writing, recording or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, legends, invoices, computer printouts, micro films, video tapes or tape recordings.

<sup>2</sup>The words "pertain to" or "pertaining to" mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.